

MAR 24 2005

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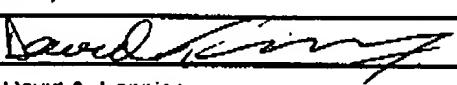
6

Application Number	09/929,236
Filing Date	August 13, 2001
First Named Inventor	Stephen F. Gass
Art Unit	3724
Examiner Name	Boyer D. Ashley

Attorney Docket Number SDT 307

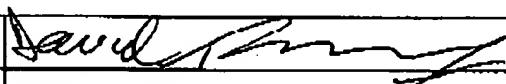
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> <input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> " Copy of docket record
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	SD3, LLC		
Signature			
Printed name	David A. Fanning		
Date	March 24, 2005	Reg. No.	33,233

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature 

Typed or printed name

David A. Fanning

Date

March 24, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
**STEPHEN F. GASS, DAVID S. D'ASCENZO  
ANDREW L. JOHNSON, JOEL F. JENSEN,  
SUNG H. KIM and ANWYL M. MCDONALD**

Date: March 24, 2005

Serial No.: 09/929,236

Examiner Boyer D. Ashley

Filed: August 13, 2001

Group Art Unit 3724

For: **REPLACEABLE BRAKE MECHANISM FOR POWER EQUIPMENT**

To: Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**PETITION UNDER 37 CFR 1.181(a)****TO WITHDRAW HOLDING OF ABANDONMENT**

Applicants hereby petition the Director under 37 CFR 1.181(a) and MPEP 711.03(c)(I.)(A.) to withdraw a holding of abandonment. Applicants recently received a notice mailed March 18, 2005 saying that the above-identified application had gone abandoned for failure to respond timely to a Notice of Informal or Non-Responsive Amendment (NINA). However, applicants never received the NINA and therefore could not respond to it.

The undersigned makes the following statements to establish non-receipt of the NINA:

1. The NINA was not received by applicants or the undersigned.
2. A search of the file jacket and docket records for the application indicates that the NINA was not received. A copy of the docket record where the

non-received NINA would have been entered had it been received and docketed is attached.

3. The Office confused a Second Amendment that applicant filed on July 7, 2004 as a non-timely response to the NINA. Applicant filed the Second Amendment to cancel claims and defer a double patenting rejection in a co-pending application. Applicant did not file the Second Amendment in response to the NINA (this is evident from reading the Second Amendment). The Office, however, confused the Second Amendment as an untimely response to the NINA.
4. On March 15, 2005 Examiner Boyer Ashley called and left a message for the undersigned. The undersigned returned the call and the Examiner informed the undersigned that the application was going abandoned because of what appeared to be an error by the Office. The Examiner said the Office records indicate that a NINA was mailed and the application was going abandoned for failure to respond. However, the Examiner said he could not find the NINA and did not know what the basis of the NINA was. He also said that he could not prevent the application from going abandoned. He suggested the undersigned file a petition to reinstate the application after receiving the notice of abandonment.
5. The undersigned hereby declares that all statements made herein of his own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

In light of the information provided herein, applicant respectfully requests that the holding of abandonment in the present application be withdrawn. Applicant understands that no fee is required for this petition.

Respectfully submitted,

SD3, LLC



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David A. Fanning, Esq.  
Registration No. 33,233  
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Wilsonville, Oregon 97070  
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Facsimile: (503) 638-8601

Stephen F. Grass, David S. D'Ascenzo,  
 Applicant Andrew L. Johnston, Joel F. Jensen, Sung H. Kim & Amyyl M. McDonald  
 Set. No. 09/929,236 1 CUST. 8613 Group 512A  
 Filed August 13, 2001 Room 411 D. H. K.  
 For Replaceable Brake Mechanism for Power Equipment

Granted

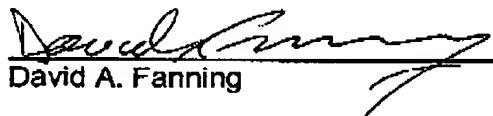
Drawings 9 Sheets Executed Forwarded August 13, 2001  
 Allowed Allowance Notice Sent  
 Final Fee Sent Receipt for Final Fee  
 Patent Delivered to \_\_\_\_\_  
 Assignee \_\_\_\_\_  
 Assignment Forwarded Recorded Reel Frame  
 Assignment Returned Delivered Assignee  
 Foreign \_\_\_\_\_

Declaration - August 13, 2001	Response to Restriction And/or Election Requirement - November 10, 2003
Information	Fifth Supp.
Disclosure Statement - November 13, 2001	Inf. Disc. Statement - November 16, 2003
PDA -	Office Action - December 22, 2003
Certificate to Exchange - November 28, 2001	Sixth Supplemental
Notice Regarding	Inf. Disc. Statement - February 4, 2004
Power of Attorney - January 22, 2002	Seventh Supplemental
Notice of Publication	Information Disclosure Stmt. - February 12, 2004
(No. US 2002-20261-A1) February 21, 2002	Information
Status Request - August 19, 2002	Disclosure Statement - March 7, 2004
Supp. IDS - September 9, 2002	One Month Extension
Second	First Amendment - April 12, 2004
Supp. IDS - March 15, 2003	Inf. Disc. Statement - April 17, 2004
Third	Inf. Disc. Statement - April 24, 2004
Supp. IDS - August 10, 2003	Second Amendment - July 7, 2004
Fourth Supp.	Information Disc. Statement - August 17, 2004
Inf. Disc. Stmt. - August 23, 2003	Information D.scl. Statement - September 6, 2004
Office Action	Information
(Restriction Requirement) - November 7, 2003	Disclosure Statement - December 6, 2004
Applicant's Residence	Information
Post Office Address	Disclosure Statement - December 19, 2004
	Information Disclosure Statement (electronic) - February 27, 2005
	Notice of Abandonment - March 18, 2005

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Date: March 24, 2005

  
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David A. Fanning